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Attorneys for Defendants **Los Angeles Police Department, Michael Brausam, Ronald Crump, Jason De La Cova, Derrick Dominguez, Pete Echavarria, Horace Frank, Larry Guillen, Kevin Montgomery, Javier Navarro, Derrick Prude, Jorge Rodriguez, Donald Schwartzer, Alex Vargas, and Andrew Vergara Jr.**

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

NADINE HAYS,

Plaintiff,

vs.

LOS ANGELES POLICE  
 DEPARTMENT (LAPD), LOS  
 ANGELES BOARD OF POLICE  
 COMMISSIONERS, BANK OF  
 AMERICA, AND THE  
 FOLLOWING INDIVIDUALS, ALL  
 BEING SUED AS INDIVIDUALS  
 AND IN THEIR PROFESSIONAL  
 CAPACITY; OFFICER NAVARRO,  
 #31587, OFFICER ESCHAVARRIA,  
 #34633, OFFICER PRUDE, #34814,  
 OFFICER GUMP, #33303, OFFICER  
 FOWLER, OFFICER CORONADO,  
 OFFICER BIRCH, OFFICER  
 VERGARA, CAPTAIN  
 RODRIQUEZ, OFFICER  
 MONTGOMERY, OFFICER  
 GILLEM, OFFICER DOMINGUEZ,  
 #39968, CAPTAIN HORACE  
 FRANK, DETECTIVE BRAUSAM,  
 DETECTIVE MACIAS,  
 DETECTIVE DELGADO, CAPTAIN  
 DON SCHWARTZER, DETECTIVE  
 DE LA COVA, ALEX VARGAS,  
 ROBERT TAYLOR, #3866 and  
 DOES 1-30,

Defendants.

CASE NO.: **CV12-10219 DMG (PJW)**

Judge: *Hon. Dolly M. Gee, Ctrm. 7*

Magistrate: *Hon. Patrick J. Walsh, Ctrm. 23*

**DEFENDANTS' REQUEST TO EXTEND  
 THE TIME TO FILE AN OPPOSITION  
 TO PLAINTIFF'S NOTICE OF  
 MOTIONS AND MOTIONS TO THE  
 COURT [DOCUMENT # 219]**

1 **TO THE HONORABLE COURT, AND PARTIES IN PRO PRIA PERSONA:**

2 Defendants, **Los Angeles Police Department, Michael Brausam, Ronald**  
3 **Crump, Jason De La Cova, Derrick Dominguez, Pete Echavarria, Horace Frank,**  
4 **Larry Guillen, Kevin Montgomery, Javier Navarro, Derrick Prude, Jorge**  
5 **Rodriguez, Donald Schwartzer, Alex Vargas, and Andrew Vergara Jr. (hereinafter**  
6 **“City Defendants”)** file this request for an extension to July 15, 2015, to file an  
7 Opposition to Plaintiff’s Notice of Motions and Motions to the Court [Document #219].  
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10 Dated: June 3, 2015

11 Respectfully submitted,

12 **MICHAEL N. FEUER**, City Attorney  
13 **THOMAS H. PETERS**, Chief Assistant City Attorney  
14 **CORY M. BRENT**, Assistant City Attorney

15 By: /s/ Elizabeth Greenwood  
16 **ELIZABETH GREENWOOD**, Deputy City Attorney  
17 Attorneys for Defendant City of Los Angeles, John N. Incontro, Ron Lee,  
18 Robert Lopez, Gerald Mccarty, Gerardo Pantoja, and Daniel Randolph  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**1. Introduction**

Plaintiff filed a law suit against, Defendants Los Angeles Police Department, Michael Brausam, Ronald Crump, Jason De La Cova, Derrick Dominguez, Pete Echavarria, Horace Frank, Larry Guillen, Kevin Montgomery, Javier Navarro, Derrick Prude, Jorge Rodriguez, Donald Schwartzer, Alex Vargas, and Andrew Vergara Jr. (hereinafter "City Defendants") alleging, *inter alia*, that various Los Angeles Police Officers violated her constitutional rights over the course of several months.

**2. The Federal Rules of Civil Procedure allow for Calendering Change**

Federal Rule of Civil Procedure 6 (b) deals with a request to extend time for a motion. It states that "(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect."

Defense counsel for the Defendants has a trial beginning June 9, 2015 in front of the Honorable Dale S. Fisher. She then has a work related issue on the East Coast from June 14, 2015 through June 17, 2015. Defendants' counsel is only requesting a brief continuance to file an Opposition to Plaintiff's Notice of Motions and Motions to the Court until July 15, 2015, or a day that is convenient to the court.

Dated: June 1, 2015

Respectfully submitted,

**MICHAEL N. FEUER**, City Attorney  
**THOMAS H. PETERS**, Chief Assistant City Attorney  
**CORY M. BRENT**, Assistant City Attorney

By: /s/ Elizabeth Greenwood  
**ELIZABETH GREENWOOD**, Deputy City Attorney  
 Attorneys for CITY DEFENDANTS

PROOF OF SERVICE  
(Via Various Methods)

I, KELLY E. HEATON, declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 200 North Main Street, 6th Floor, City Hall East, Los Angeles, California, which is located in the county where the mailing described below took place.

On June 4, 2015, I served the foregoing document described as:

**DEFENDANTS' REQUEST TO EXTEND THE TIME TO FILE AN OPPOSITION  
TO PLAINTIFF'S NOTICE OF MOTIONS AND MOTIONS TO THE COURT  
[DOCUMENT # 219]**

on all interested parties in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

*Plaintiff, In Pro Per.*  
**NADINE HAYS**  
**370 Highland Hills Drive**  
**Camarillo, CA 93010**  
**Tel: (805) 484-4452**  
**Fax: (818) 474-7676**  
**NadineHays@aol.com**

[ ] BY FACSIMILE TRANSMISSION TO: FX:

I transmitted such documents by fax to the office(s) of the addressee(s) via facsimile machine, prior to 5:00 p.m. on the date specified above. The facsimile machine I used was in compliance with Rule 2003(3) and the transmission was reported as complete without error. Pursuant to Rule 2008(e), I caused a copy of the transmission report to be properly issued by the transmitting facsimile machine.

**[XX ] BY MAIL** - I deposited said envelope(s) in the mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 2015, at Los Angeles, California.

*Kelly E. Heaton*  
Kelly E. Heaton